

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Kevin D. Fisher,

Plaintiff,

vs.

Christopher Radko

and

Rauch Industries, Inc.,

Defendants.

REQUEST FOR EXTENSION
OF TIME TO FILE PROPOSED
SCHEDULING ORDER

Case No: 07-cv-9239 (SCR)

NOW COMES Kevin D. Fisher, by his attorneys Delain & Liebert, PLLC, Nancy Baum Delain, Esq. appearing, and requests this Honorable Court to grant an extension of two (2) weeks to file the Proposed Scheduling Order, making the due date 14 December 2007. This request is made on consent from the attorneys for Rauch Industries, Inc., Cohen Gresser, Damir Cefo, Esq. appearing.

Defendant Christopher Radko has not timely returned the Waiver of Service form that was properly sent to him with the Complaint on 18 October 2007 and due to be returned to Plaintiff's attorneys on 19 November 2007. Therefore, Mr. Radko must be personally served in this matter. Plaintiff has not had the opportunity to do so at this time, nor does either party know who Mr. Radko's attorney(s) is or are. Mr. Radko and his attorney(s) would therefore be unable to participate in the discussions of the Proposed Scheduling Order.

We therefore respectfully request that the due date for the Scheduling Order be moved to 14 December 2007 to give Plaintiff the time to serve Mr. Radko and his attorney(s) the opportunity to participate in the drafting of the Scheduling Order.

The parties do not anticipate this request to impact the scheduled Initial Case Management Conference date or time.

Dated: 30 November 2007

Respectfully submitted,
Delain & Liebert, PLLC

A handwritten signature in dark ink, appearing to read "Nancy Baum Delain", followed by a stylized flourish.

By: Nancy Baum Delain, Esq.
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A copy of this document is being sent by first-class mail to Damir Cefo, Esq., Cohen Gresser, 100 Park Ave., 23rd Floor, NYC, NY 10017 (attorneys for Rauch Industries, Inc.) within 24 hours of ECF filing.

A copy of this document is attached to the copy of the Complaint to be personally served on Defendant Radko.